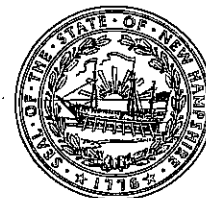




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 10, 2009

The Honorable Deborah R. Reynolds, Chairman
Senate Judiciary Committee
Concord, New Hampshire 03301

Re: **SB 22-FN**, relative to criminal mischief of property with geological value

Dear Chairman Reynolds and Members of the Committee:

Thank you for the opportunity to comment in support of SB 22-FN, which would amend RSA 634:2 to change the intentional damaging of property with geological value from a misdemeanor to a class B felony, which is the penalty under current law for the purposeful damaging of property with historical, cultural or sentimental value. We support this bill as a measure to help prevent future damage and devaluation to New Hampshire's spectacular natural geological assets, many of which are important to the state's tourism industry.

New Hampshire is renowned for its natural beauty, much of it related to the unique and intense geological history of the state. The state's most famous geologic feature, the Old Man of the Mountain, has been immortalized on everything from the state's road signs to our U.S. Mint's state quarter. However, the Old Man was not the only geologic feature or site that is enjoyed by visitors, tourists, school children, or the public at large. And since the collapse of the Old Man, it is imperative that the remaining geologic sites of interest be preserved and enhanced to contribute to the state's important tourism industry.

The site that was the impetus for this legislation is the Madison Boulder, located on state land near Madison, New Hampshire. The boulder in geologic terms is a glacial erratic, which is defined as a boulder transported by the glaciers some distance from the outcrop of rock that was its known source. In the case of the Madison Boulder, it is one of the largest, if not the largest glacial erratic in North America. The boulder is frequently visited by K-12 science classes from all over New England. However, recently the boulder had suffered widespread vandalism in the form of spray painted "tags," some of which are obscene. Fortunately, through a local effort, much of the paint damage was cleaned off of the rock this past fall. However, multiple cleanings by strong detergents and chemicals damages the natural patina and mineral structure of the rock, as well as removes biological features such as lichens and mosses that add beauty to the rock formations.

In an effort to preserve the Madison Boulder, the state geologist is currently working to coordinate a memorandum of agreement between the New Hampshire Geological Survey, DRED, the Geological Society of New Hampshire (a non-profit society of geologists and enthusiasts), and the Conservation Commission in Madison to create a partnership dedicated to the enhancement, preservation, and protection of the Madison Boulder. This partnership of state, local, and non-profit entities will hopefully help to maintain the ground of the Park, update the

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

Letter to Chairman Reynolds

February 10, 2009

Page 2

geological history of the area, and enhance the notoriety of the Park to encourage tourism in the North Country. This effort may serve as a model for other geologic sites that need protection and management, such as Boise Rock, the Basin in Franconia Notch State Park, and the boulder field at Pawtuckaway State Park, to name just a few.

But a critical part of this effort should include enhanced penalties for criminal mischief for damaging sites of geological interest as provided by SB 22-FN. The enhanced penalties, along with an active effort to make the public and visitors aware, will synergistically further our efforts to preserve and protect our natural geological sites. For example, community involvement in preserving a natural geologic site, coupled with outreach to schools in the region educating pupils that there are severe penalties for damage to these sites, may significantly deter vandalism caused by the local youth, resulting in the long-term protection of these natural monuments.

Thank you for this opportunity to present our views in full support of SB 22-FN. Please contact me at 271-3449 or State Geologist Dr. David Wunsch at 271-6482 if you have any questions, or desire additional information.

Sincerely,

for Michael Walls, Asst. Comm.
Thomas S. Burack
Commissioner

cc: Senator Jack Barnes